

MINUTES  
ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE  
San Diego, California  
December 13, 1984

The Meeting of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence was called to order by Chairman Monsignor William Barry at approximately 9:30 AM, West Coast Room, Holiday Inn - Embarcadero California.

Commissioner's Present:

Joaquin Avila  
Msgr. William J. Barry, Chairman  
Irma Castro  
Thomas F. Coleman  
Vincent Harvier  
Rev. Will L. Herzfeld  
David Kassoy  
Janet Levy  
Hon. Alice Lytle  
Hon. Armando O. Rodriguez  
Dr. Hazel Hawkins-Russell  
John J. Saito  
Diane C. Yu

Commissioners Absent:

Richard Chavez  
John W. Mack  
Leticia Quezada

Special Liaison Present

Osias Goren, Commissioner  
Fair Employment & Housing  
Commission

Department of Justice  
Personnel Present:

Marty Mercado, Chief Community  
and Consumer Affairs  
Manny Medeiros, Deputy Attorney  
General - SAC  
Louis Verdugo, Deputy Attorney  
General - LA  
Henry Torres, Deputy Attorney  
General - LA  
Ollie Milligan, Affirmative  
Actions Officer  
Ron Allen, Commission on Peace  
Officers Standards and Training  
Dolores Hernandez, Secretary  
Melanie Anderson, Student  
Assistant - SAC  
Minnie Lopez, Office  
Assistant II - SD

### Introduction of Members of the Staff

Marty Mercado introduced members of the staff present.

Msgr. Barry introduced Osias Goren, Chairman, Fair Employment and Housing Commission and Tony Cimarusti, Department of Youth Authority, and asked the guests in the audience to introduce themselves. (See attached list of attendees)

### APPROVAL OF MINUTES

The minutes of the September 10, 1984 meeting were approved with the following corrections:

Add David Kassoy to list of members present.

Correct name of Jewish Defense Organization.

Rev. Will Herzfeld's middle initial should be changed to L.

### Scheduling of next meeting

The next meeting was scheduled for March 11, 1985 in San Francisco. It was suggested a two-day meeting be scheduled to allow the subcommittees to meet either the day before or following the meeting.

### Los Angeles County Human Relations Commission

Msgr. Barry advised that Gene Mornell Los Angeles County Human Relations Commission was not able to attend the meeting. However, he sent summaries of the hearings of the Los Angeles County Human Relations Commission:

- 1) Report on Racial Religious and Motivated Vandalism and Violence. This 1984 report is the most recent of the annual reports on this subject in L.A. County;
- 2) Report "Today's Conflicts: Tomorrow's Challenges" a Report on Five State of the County Hearings. This group lists intergroup tension and conflicts as the county's major human relations problem;
- 3) The New Asian Peril Report, a report on hearings on Pacific Island and Asian Bigotry;
- 4) Anti-Catholic Posters in Los Angeles County;
- 5) "McCone Revisited, a Focus on Solutions to Continuing Problems in Central Los Angeles," a study that is looking into updating and trying to identify what has been done out of the recommendations on the 1969 Watts riots and what has and has not been accomplished.

John Saito said that regarding the report on the New Asian Peril, the County Human Relations Commission has been cautioned not to use the word "peril" because it might be construed as yellow peril.

Presentation by Heartland Human Relations Commission

Clara Harris, Executive Director, Heartland Human Relations Commission a brief background on the agency, which is located in La Mesa, in East county. They have 500 dues paying members. The Commission is a non-profit agency established in 1969 out of the need for better understanding for people who are different from one another. She stated their function is conflict resolution and education concerning racial, and ethnic issues. She pointed out that they do not have the resources to cover the entire county, although they do get involved in issues throughout the county.

Their concern is there has been an increase in RERMV violence for the past couple of years. Ms. Harris indicated she had personally dealt with 24 different incidents; some involving violence. She cited some of these incidents which included KKK activities, graffiti, a fire bombing, a swastika burning on the lawn of a Jewish family in La Mesa; harrassment of blacks, Vietnamese, and Hispanic incidents. The latest was an attack on a black man who was attacked with a knife, chains and a bullwhip when he was having breakfast at a restaurant with his wife who happens to be white. These incidents aren't limited to East County. The need for organized efforts to counter the growing problem of hatred and bigotry is evident.

Ms. Harris pointed out that San Diego County Supervisor Leon Williams, has launched an effort to create a countywide human relations commission. He has gathered a select group of people who have been involved in human relations/human rights issues in the county for a number of years, who have been meeting on a weekly basis to put together an ordinance to create a county human relations commission. There was a county commission in 1972 which lasted for about six years. She indicated the Heartland Commission's board of directors are working with Supervisor Williams in this effort.

Ms. Harris brought to the Commission's attention the California Association of Human Rights Organizations, which is headquartered in San Jose. She serves as a member of the Board of Directors, and noted that their annual conference would be held in San Francisco the last week in May. She noted it is the only organization of its kind in the State of California.

Commissioner Coleman asked if in the 24 incidents which they have monitored there appeared to be any patterns and how they are tied together. Ms. Harris indicated there did not appear to be, except in the case of white racist groups -- the Nazi groups - there appears to be an all out effort in San Diego County, and East County in particular, to recruit young people for the Youth Klan.

Commissioner Coleman asked if there is good monitoring or observation of anti-gay violence, or if it is primarily racial and ethnic. Ms. Harris responded that there is anti-gay violence; it seems to be the up and coming thing in East County.

Commissioner Avila asked if they were keeping early statistics on these incidents and if they have had an opportunity to compare them with other counties or areas that have similar incidents. Ms. Harris responded that they are keeping statistics, and she gets referrals from the Chicano and Black Federations. She indicated they do not have as much cooperation from others and they are working toward that goal at this point. She said she would like to see a clearing house for these kinds of incidents, where they could be collected statewide.

Commissioner Kassoy asked if she was aware of prosecutions which have taken place under the Ralph Act. Ms. Harris indicated it is very difficult to enforce - it is very difficult to prove what the motivation was in these cases according to law enforcement people. He asked if there was any resistance by enforcement personnel in enforcing the Act, and if she felt there is a need for education in this regard. Ms. Harris said that the enforcement people she works with are so overwhelmed by what is happening in the community by the increase in crimes that they are having a hard time dealing with it on a day to day basis, and that there is definitely a need for education. She stated that some of the enforcement people say there is no way they can notify her when an incident occurs.

Commissioner Castro added that it is difficult working with law enforcement and also that more young people are getting involved in crimes of this nature. She stated that in the North County they have had an increase of incidents that involve young marine recruits and undocumented workers that have either been killed or battered - very young people, between the ages of 16 and 24, as perpetrators of these crimes, all male. And in dealing with law enforcement, it is never seen as a racially motivated incident. That is one of the problems that they constantly see.

#### Presentation by Supervisor Leon Williams

San Diego County Supervisor Leon Williams briefed the Commission on his efforts to create a countywide human relations commission. He stated they are concerned about racial and other incidents that have been occurring and it is his belief that the county can and ought to create a commission to help resolve these problems. He pointed out that San Diego is the largest metropolitan area in the state that doesn't have a human relations commission. He stated that there had once been a county commission but that it had been disbanded because of criticism that it was not responsive to community concerns.

Supervisor Williams indicated he is seeking endorsements for the proposal from private groups at the grass roots level, but further indicated that he did not know if the Board of Supervisors would be receptive to the idea since it required funding. He pointed out, however, that the justice system costs us a lot of money, and a single case being prosecuted can cost a lot more than funding for the commission for a whole year, which is a justifiable expenditure. He said there needs to be some recommendation that public money should be used for this purpose.

Chairman Barry thanked Supervisor Williams for taking time from his busy schedule to appear before the Commission.

Presentation by Carol Schiller, Regional Administrator, Southern District,  
Department of Fair Employment and Housing

Ms. Schiller outlined the difference between the Fair Employment and Housing Commission and the Department. She stated the Department is a "production line" and involved only in investigation of complaints. The Department has 260 employees with offices in 11 cities. Her concern is that as you raise public awareness and people start reporting incidents of RERMV, what are we going to do with them. The Department doesn't have the expertise necessary to deal with these incidents. She said the department needs preparation and more authority. She said the department has received 10 complaint cases under the Ralph Act in the past two years, and all but four have been closed. She stated people don't know they can file under the Ralph Act when they are the victims.

In response to how the RERMV Commission can help, she responded that a liaison from the Department to the Commission would be helpful. She suggested a task force or an agenda item for discussion on how we can do a better job without duplication of effort; to look at recommendations and how we are spending our resources; and to develop guidelines for the most efficient way to handle these cases. She stated there is too much fragmentation, and that guidelines need to be developed for follow-up.

Ostias Goren, Chairman of the Fair Employment and Housing Commission, said there is a need for continuity and ongoing monitoring for implementation of recommendations. He noted the department does not have the expertise to do this. He stated there is a need for education and coordination between authorities; the boards of supervisors, police departments, etc., and enforcement of some of the recommendations at the state level.

Commissioner Coleman noted the increased violence against gays and lesbians, and recommended that the Department include these cases of violence in their future work.

Presentation on Hands-Across-the-Campus Program

Dr. Neil Sandberg, American Jewish Committee, and Dr. Sydney Brickman, Deputy Superintendent of Schools, Los Angeles, briefed the Commission on an innovative cultural awareness program which they developed, the Hands-Across-the-Campus Program. The program is now a permanent part of the school curriculum in Los Angeles, and is used in 17 secondary schools with 35,000 students involved.

The program is essentially a history course which helps young people of all ethnicities understand their own culture. The program shows a gradual evolution of the different societies that have come to the United States; why different ethnic groups came to the U.S. and the part they have played in our history.

The program is divided into three parts: First, is training of the leadership: educators, usually an English teacher, a social studies teacher, an administrator, and a teacher who has volunteered to take on

this new activity, and an associate. Teachers are involved on a voluntary basis. Second, they invite the elective leaders of their campus, and also leaders who the teachers and administrators recognize are natural leaders, even though they may not have been elected, as participants.

Before they take the course, however, they are put through an "emotional" experience. They are put in a simulation experience, in which they learn how it is to be an individual who doesn't speak English, and they begin to appreciate how difficult it is for people of different languages to function in an English-speaking society. They are sensitized to all the problems - the interracial problems, the hostilities, but on a personal basis.

Once the leadership has been trained, they go back to their school, and they organize activities on campus which will lead to intergroup understanding. The basic thrust of the course is to use intergroup relations that are inter-cultural as the educational vehicle, which includes all the humanities. The teacher's guide is called The Humanities Approach to Culture.

Commissioner Levy asked if there is inclusion of inter-generational concerns. Dr. Brickman responded that there is. The course includes a unit which is optional where young people are encouraged to visit different homes where there are people of different ages, or older people of different ethnicities to visit and to learn to understand old people. Part of this activity is contacting older people, who have lived most of their lives in Los Angeles, who know things about the history of L.A. that aren't in the books. Students are told to do some research with these old people, and they can actually produce a booklet on what they learned from that particular person and report to their class on it.

Dr. Sandberg stated they don't go out and recruit so-called hard core youngsters; that what this program does is to create a new kind of school environment so that those youngsters who might be tempted to join the Klan activity or to be openly racist or anti-semitic, etc., will decide they don't want any part of it. A new social climate has been created which tends to inhibit that kind of anti-social behavior.

Dr. Brickman indicated they do not give the course of study out to people who do not take part in the training. There is staff who will work with school districts on a limited basis, but because of limited resources they limit it to two school districts a year.

Commissioner Coleman asked if the course contained anything about gays and lesbians and whether the school district is doing anything with respect to homophobia violence and discrimination against lesbians and gays. Dr. Brickman stated that it does not. However, there is one teacher at San Pedro High School in Los Angeles who has developed a unit, and it has been distributed to other schools but he did not know if they are using it or not.

Msgr. Barry thanked Dr. Brickman and Dr. Sandberg for their informative presentation.

#### POST Commission Training for Peace Officers

Ron Allen, Commission on Peace Officers Standards and Training, gave a presentation on their basic training course for law enforcement officers. There are four basic courses: 1) for specialized investigators; 2) for marshals; 3) for district attorney investigators; and 4) for patrol officer, which is usually referred to as the POST basic course.

He stated they have certified 46 courses in the state which are taught by 33 presenters from Eureka to San Diego. Each year they are training approximately 5,000 recruit officers. Approximately 3,000 of these trainees are employed peace officers that go on to the basic academy. 2,000 are non-affiliated, or not employed. The average length of a POST certified basic course in the state is approximately 560 hours. That represents the minimum standards that POST will set.

Mr. Allen stated that the community relations - cultural awareness section of the basic course consists of approximately 40 hours of training. These vary from academy to academy and from community to community. There are approximately 20 performance objectives for the course. The training is conducted in a variety of ways, including lecture, handouts, films, videos, and panels. He said panels are a very effective way to get points across by bringing in certain classes of people so they can deal with the students on a one-to-one basis.

Mr. Allen explained that the performance objective is a description of the expected behavior or of the activity which the student must comprehend and must demonstrate he has the ability to handle. The learning goal is a broad description of the category that they are trying to teach the student. One learning goal is that a student officer will understand community reactions to his or her conduct and one performance objective under that goal is that given word pictures or audio-visual presentations of officers interaction with the public, a student will identify expected behavior of an officer from a perspective of community persons directly involved, the student, the department, etc. Community attitudes and influences are also discussed. They want to make sure the student understands the community sentiment and general attitude of the community in which they serve. Students are expected to present the police-community relationship in a positive way, and are expected to know about the social-economic conditions such as the ethnic-cultural makeup, housing conditions, recreation facilities, and many other kinds of things that would affect the way they deal with their community.

Each of the academies has advisory committees from the law enforcement community and the community at large.

Another objective under the learning goal, is that students will identify how to influence and affect the community's attitude towards the police and other groups. The student will identify basic methods of dealing effectively with cultural, social, and economic differences. They are expected to be leaders in the community.

There are other performance objectives, not necessarily under cultural awareness and community relations. They include stress factors for officers, interpersonal communications, etc. They also teach constitutional rights of individuals.

Mr. Allen stated that the basic course in the academies in various areas of the state probably include more than he has covered, since the community dictates the need for the kind of training; e.g., S.F. may have a different need than perhaps a community in the San Bernardino desert area.

Other training that is taking place in this area is within the supervisory course, where they are teaching affirmative action, Title VII, of the Civil Rights Act, sexual harrassment, sex discrimination, etc.

He stated in addition, there are about 40 advance officer courses and hundred of technical courses certified by POST, and he did not know what actual cultural awareness training is taught there. One technical course, with which he is familiar, is being developed now at Chapman College in Orange County, with the cooperation of the City of San Clemente. That training program is designed to look into and train for the religious and racially motivated crimes - from cross burnings to terrorism and the differences and customs which can lead into a misunderstanding in those areas.

Mr. Allen said one area that POST is currently developing guidelines for is in handling domestic violence incidents. With regards to sexual preference and discrimination, that he was asked to address, they are doing training in these areas, although that training may be a little sparse. In the basic academy in San Francisco, he mentioned they have 10 hours of training, and they bring gay and lesbian persons to be on the panels, and take officers into the community so they can relate to what is occurring there.

He stated that as far as sexual non-discrimination standards, they do not have a standard that specifcally states that. However, it is addressed in the Commission's minimum standards for employment as a peace officer. Under the Commission's regulations, there is a requirement that there be a background investigation on prospective employees. However, there is a requirement that only job-related questions may be asked of prospective employees. He stated they are very concerned about the job-relatedness issues, and will not allow any questions in that background investigation that discuss race, creed, color, sexual preference, etc.

Mr. Allen explained that the POST Commission consists of 12 commissioners, and one of them is the Attorney General as an ex officio member. They are a policy-setting body, and they set the minimum standards for selection and training for California law enforcement officers. He explained that the POST program is a voluntary program. However, virtually every city and county programs and POST regulations are in compliance with the California Government Code Section 1029, 1030, and 1031.

Commissioner Castro, asked if there is some measure to assure that performance objectives are adequately being met. Mr. Allen responded that a consortium of the 33 presenters meet quarterly as a body and they have established a percentage pass point to pass each particular portion of the course, and that each performance objective must be passed.



Mr. Cimarusti, CYA, asked if there was tracking of graduates to see if the level of complaints against an individual officer is lower for those who have taken the course. Mr. Allen indicated that while they do track students to see where they are employed, how long, etc. , they did not have the specific information referred to.

Mr. Allen stated that the mandatory training required for all new recruits is that they must complete the basic course, or its equivalent. Every four years every officer below the level of sargeant or supervisor must be retrained in a POST certified course of at least 20 hours or more, and they are in the process of requiring that retraining occur every two years. He noted that POST sets minimum standards only, and agencies are encouraged to exceed the minimum. There is also retraining for officers entering the supervisory level, and a mandatory course for management.

Commissioner Coleman asked whether POST has done anything to implement the recommendations by the Commission on Personal Privacy to develop minimum guidelines for non-discrimination and equal employment opportunity. Mr. Allen stated that they have not established specific standards, and hoped they could start communicating and working together to ensure that kind of discrimination does not occur.

Chairman Kassooy asked what the major weakness in the area of training peace officer to deal with the problems of intercultural conflict is today, where we could be helpful, and whether he felt peace officers are highly skilled in dealing with those problems, or if he feels there are serious deficiencies in their ability to deal with these human relations problems. Mr. Allen responded that he felt they are highly skilled.

Msg. Barry said that it would be helpful if Mr. Allen could provide the Commissioners with the material which is included in the human relations portion of the basic training course. Mr. Allen indicated he would make this material available.

Dr. Russell asked if there is a provision to provide for retraining of peace officers who had been in the department for many years. Mr. Allen responded that a lot is done in this area, through advance officer training, most of which is technical training. He stated the POST program trains a total of 60,000 peace officers a year.

Commissioner Lytle asked if there is any way that POST could support the concept of rotation or sabbaticals for peace officers. She felt this might alleviate some of the work stresses that push particular officers toward anti-black or anti-Hispanic attitudes, not because they are natural born racists, but because they work in areas where they deal with a lot of criminals of one race. Mr. Allen responded that the Commission is made up of local individuals, and local autonomy is very prevalent. The Commission could suggest and counsel, but that kind of decision goes back to the autonomy of the local chief or local sheriff, but responded that it is not beyond the realm of possibility.

Lytle asked if POST might consider legislation that would, if not require, at least make this option available to local law enforcement agencies, particularly if some money were provided. She stated such legislation would have more impact if sponsored by a law enforcement agency. Mr. Allen stated that he could not speak for the Commission, but it is something that he could communicate. Judge Lytle suggested this might be something the legislative committee can talk to POST about.

#### Office of Intergroup Relations, Dept. of Education

Reuben Burton, Chief of the Office of Intergroup Relations, State Department of Education, gave a brief overview of the Office. He stated the original purpose in creating the office was to make sure that teachers were not discriminated against. He said the Office consists of a staff of four and a half consultants down from 12 a year and a half ago to cover the entire state. They are responsible for assisting school districts with problems related to desegregation and integration, particularly those that have been court ordered to help them design plans that are equitable, that will not discriminate on either side. They also have responsibility for helping schools reduce incidents of violence and vandalism - what they prefer to call disruptive conflict. There are areas of violence which they think are police matters, and they are not trained to get into it. For example, if a youngster walks onto campus with a gun or weapon, that is looked at as a police matter. What they try to do is to get to a school situation when they know that there is a conflict that will probably become disruptive unless there is something done about it. They are also responsible for carrying out the laws related to nondiscrimination based on race, creed, color, religion, sex, mental and physical disability. They also have responsibility for affirmative action/equal employment. Most of these responsibilities are legislative mandates.

Dr. Burton stated that there is a huge increase in allegations of discrimination and they are obligated to investigate them. At least three members of his staff are almost full time in the field investigating allegations of discrimination. Mr. Burton said he has some real concerns about that, because they are becoming more of an investigative unit rather than a unit that heretofore has provided assistance to districts in planning and development programs.

In the area of violence and vandalism, he indicated a lot of material and programs have been tested and have been proven, but they have been unable to implement them. Statewide many districts are picking up and implementing some of these programs.

One of these projects was done in Sacramento, and funded by the Office of Juvenile Justice Planning, which involved students. It was noted that in most programs to reduce violence on school campuses involving student perpetrators, what was missing was getting students involved in reducing these incidents. Seventy-five students were trained from three separate high schools in understanding the system; and how to intervene in conflict situations to keep them from becoming disruptive. There were attorneys involved in the training, police officer, psychologists, a judge and a good cross section of the community. It was a successful program. The Sacramento School District indicated that one year of the program saw a reduction of more than 50% of incidents of violence and vandalism.

Dr. Burton stated they have developed what they call early indicators of violence and vandalism - ways in which an administrator can be alerted through messages of the likelihood of violence occurring on that campus. They have utilized a model that looks at how nations go from a state of peace to a state of war and have taken that model rewritten it to apply to schools and presented it to schools; how schools can go from a state of peace to a state of war - it is called the Griffin model. They think this is an excellent model, but it is in a few schools to see if it does in fact work.

Dr. Burton stated that it takes training to use the instruments developed to assess the likelihood of violence on campus. They have had several requests, but they are reluctant to send them out without any training. What happens many times is that school people don't know how to use them, or they are misused, and then if they don't work, they are shelved because they have not corrected a problem they were not designed to correct.

Another problem they have discovered in talking to school people is that they do not know what to do in case of a riot, or other major disruption, and have indicated a need to have a plan or a program developed that would give schools and school districts some guidelines on how to deal with violence on campus. Dr. Burton said they found that they know precisely what to do in case of a fire, or an earthquake, but they did not know what to do in case of violence erupting on campus. He said that in response, they had created booklet called Prevention and Preparedness that are guidelines for districts to use to develop a plan in case of violence. He said they found that in many instances the problems were exasperated by a teacher or an administrator making a wrong move. He indicated that this is another document that is on the shelves that they have not been able to do anything with.

Dr. Burton stated they have another program called "Improving the Human Environment in Schools", and they have learned a lot with this program. It is a three-day training course for students, teachers and administrators in how to resolve problems before they reach the disruptive stage.

He indicated that they are planning, hopefully for the spring, one or maybe two conferences on racial violence; one in the San Diego - L.A. area, and one in the north - probably S.F. area. He indicated the Commission would be hearing more about it, and that hopefully the Commission could co-sponsor the conference. He said there would be no cost - just support, and perhaps they can ask some of the members to be on the program. They are asking other groups from minority communities to also be co-sponsors, and will ask each group to make a commitment to do something and not just leave the conference and then have nothing happen. They will coordinate these activities at the state level, and baring everyone together periodically for a progress report.

One of the things they are presently doing is making presentations to school boards about the need for programs to promote harmony among ethnic groups and help districts build this into their present curriculum, to understand that the curriculum they are presenting should meet the needs of a cultural diverse population.

With regard to what the Department of Education has done to implement the recommendations of the Commission on Personal Privacy, he indicated nothing has been done to date, but the hope that this is something they can get started. He has been asked to outline recommendations, and how they can be implemented.

Dr. Burton stated that the Commission can help by letting the Department of Education know that it values the kinds of services that the office has been providing to school districts over the years. He said that heretofore when they got requests from school districts, they could move and provide assistance, but they can't now because of shortage of staff.

He also suggested that someone from the Department of Education, specifically the Office of Intergroup Relations, should be requested to serve as a liaison with the Commission. This would provide the Commission with ongoing information and statistics about what is going on in schools, because they are out there all the time and secondly, they can provide or gather information, data, or statistics, which the commission might need; and thirdly, it would provide the basis for approval for attending meetings of the Commission.

Commissioner Lytle asked Dr. Burton if anyone has explored the possibility of creating working arrangements with agencies of similar jurisdiction that have investigative authority so that his staff resources would not be totally devoted to investigation activities. For example, the Department of Fair Employment and Housing investigates charges of discrimination, and there are two or three others. She also pointed out that the Marin County Human Rights Commission is in the process of trying to set up a clearing house of information and could provide information on human rights agencies and programs.

Commissioner Kasoy asked Dr. Burton what he felt the Commission could do to help implement the Hands-Across-The-Campus program. Dr. Burton stated that the first step is to let people know that it exists, and their office could serve as a broker to so that that if a district wanted to use it, to put them in touch with the right people to get it started. Mr. Kasoy pointed out that according to the presentation on the program, that it costs several hundred thousand dollars, and that you can't broker it, because it is not just a matter of sending out the book and making people aware of it, that it takes money to educate and train people on how to use it. He asked if it is feasible to set up a statewide program that would provide the training and support to enable a plan like it to be implemented in every school district.

Dr. Burton said that legislation would be one way to do it, or another program that they are pushing is education options for those students who are not going on to college. There was also discussion about getting one million dollars annually from the State lottery money dedicated to creating a statewide program to teach something like the Hands-Across-The-Campus Program in every school district.

#### SB 23080 Proposed Implementation Plan

Sandi Grout, Manager of the Violent Crime Information System, Division of Law Enforcement, Office of the Attorney General, stated that they have been designated with the responsibility for implementing the provisions of Senate Bill 2080 which becomes effective January 1, 1985. The bill requires that the Office of the Attorney General conduct a one year pilot project to develop a program model for ongoing collection and analysis of data on racial, ethnic, religious crimes. She said the plan is very general at this time, and that the first three months they will be heavily involved in project design for the actual collection data base, and they would be mainly

concentrating on literature review.

Ms. Grout asked the commissioner's assistance in identifying jurisdictions that they feel would be beneficial to be included in the pilot phase. She said she will keep the Commission informed on progress and will give a status report at the March meeting.

#### Adoption of Litigation Subcommittee Report

Commissioner Lytle presented the report of the Litigation subcommittee. She said that the subcommittee's mandate is to assist the Attorney General in exercising his enforcement authority to handle problems in the areas of violence the commission is concerned about. She stated the committee had zeroed in on the Ralph Civil Rights Act, Civil Code Section 51.7, because that act is an excellent vehicle for helping resolve some of these problems we are dealing with.

The committee decided that it would not be enough to suggest to the AG that he investigate the use of his enforcement authority under that Act without making further suggestions to him as to the administrative and possibly legal modifications he would have to make within his office to effectively prosecute a civil action under this Act. Therefore, they were suggesting some proposed modifications in the administrative structure of the Department; e.g., training intake people to screen complaints that come into the Department for purposes of selecting incidents that might be further sent to the Public Rights Division for purposes of investigating the possibility of Ralph Act violations. It was further suggested that the AG participate or direct training for local peace officers, DA's and city attorneys where they have the appropriate jurisdiction to prosecute under the Ralph Act.

One of the recommendations that received the most comments suggests that the AG use the Ralph Act to prosecute allegations of police brutality. She stated that she did not know how the other commissioners felt about including this in the recommendations, but she was strongly in favor of including it because it is important that the top chief law enforcement official should set very high standards and one way of enforcing those standards is to have a very highly visible action against police departments that have violated these standards.

Commissioner Lytle pointed out that the report mentions the POST Commission, but also that the Attorney General should explore the possible use of the California Specialized Training Institute (CSTI) as an additional training vehicle for local law enforcement. She said the CSTI is a specialized institute that trains police officers, a super advanced police force, in the areas of terrorism, riot and swat teams, and is currently under the Military Department, although there is consideration being given to placing it under the Office of Emergency Services. She stated she would like to see the AG exercise more influence within the CSTI to make it a training center for the kind of human rights training the commission is talking about.

MOTION: It was moved by Commissioner Lytle and seconded by Commissioner Yu to include in the subcommittee report a recommendation that the Attorney General exercise as much influence as his office allows to modify the curriculum of the California Specialized Training Institute so that it emphasizes training directed to human rights and avoidance of violence against members of racial, ethnic, religious and other minority groups. The motion carried unanimously.

MOTION: It was moved by Commissioner Yu and seconded by Commissioner Coleman that the report of the Litigation Subcommittee be approved. The motion carried unanimously.

Commissioner Yu, Chair of the Subcommittee on Legislation, noted that the Litigation subcommittee had suggested that the Legislative Committee should be the ones to draft the legislative proposal which would authorize the AG to train police, DA's, and city attorneys in the areas of RERMV. She said that the deadline for submission of legislative proposals is February 1, and that in order to meet this deadline action would need to be taken at this meeting. She noted that at best only one or two bill proposals would be all that could be offered this year, but that during 1985, as more meetings are held, the committee could develop more coherent long range plans for full-fledged legislative proposals. However there appeared to be general agreement by everyone to pursue this legislative proposal.

MOTION: It was moved by Commissioner Yu and seconded by Commissioner Rodriguez that the Commission approve in principal the submission of either legislation, if necessary, or if not, appropriate internal rules and regulations, to give the Attorney General express authority to train peace officers, district attorneys, and city attorneys in the area of RERMV.

There was discussion to amend the motion to make the training mandatory, and to require that it become part of the POST Commission certification requirements. Commissioner Yu stated that it would have to be a separate bill; that it is one thing to give one officer in state government; i.e., the AG, the authority to supervise, control, disseminate this kind of training; and that the second related item might well be to recommend that the Commission on POST upgrade its programs substantially in this area, and that this component of the training be mandatory.

Commissioner Yu stated that it was not clear whether the POST training in community relations is mandatory or not. Commissioner Lytle said she had asked Mr. Allen and that he had responded that it is mandatory that every person who becomes a police officer must take the basic training.

Commissioner Yu stated it was important to establish a working relationship with POST and encourage them towards voluntary compliance rather than trying to mandate something. She suggested addressing one of their policy meetings to talk about why we think it is important to have at least one percent of the training devoted to this problem.

Commissioner Yu pointed out that her subcommittee is also going to propose that several hearings or meetings be held with law enforcement people about how to develop legislation that would give some teeth to the Ralph Act and how they could deal with it. She stated the committee felt it is important to work with them first rather than have it come from the top down where there would be more resentment and less understanding.

Commissioner Yu said the subcommittee feels strongly that they would like to go ahead on this legislative proposal as addressed in the motion, to have the AG assert some power over training, so that it could be considered during this legislative session, and then look at the other issues of concern as they gather more information.

VOTE ON MOTION: Msgr. Barry called for a vote on the motion, and it carried unanimously.

#### AB 985 -1982

Commissioner Yu said that Commissioner Lytle had brought to her attention, AB 985 authored by Willie Brown and passed in 1982 (Chapter 116), which appropriated \$95,000 each fiscal year beginning 1981-82 through 1986 for the purpose of training and education of prosecutors, public defenders, etc. She said they would follow up on this to see where the money has been going.

#### U.S. Civil Rights Commission Study of Anti-Gay Violence

Commissioner Coleman reported that he had received an official request from the National Gay Task Force to have the RERMV Commission send a letter to the U.S. Civil Rights Commission recommending inclusion of lesbian and gay people in its investigation of crimes motivated by bigotry. The U.S. Commission will be considering this proposal in January. Commissioner Coleman said it had also been brought to his attention that this is the only government agency in the country that has a charge dealing with minority violence that includes violence against lesbians and gay men as a part of the mandate, and that a recommendation from the RERMV Commission would carry a certain degree of weight, since it is the only group that is presently operating with sexual orientation on the agenda.

MOTION: A motion was made by Commissioner Coleman that a letter be sent to the U. S. Civil Rights Commission acknowledging that acts of harassment, intimidation and violence against lesbians and gay men are widespread and are no less reprehensible and no less heinous nor qualitatively different from crimes against members of racial, ethnic and religious minorities and other groups recommending they study the problem on a national basis.

Discussion followed with respect to whether the presently-constituted Commission would seriously investigate this problem; and whether there should be a comparison of violence against lesbians and gay men and other ethnic groups and the possibility of a "straw man" being set up with respect to whose violence is the worst. It was suggested that this reference should be deleted from the proposed letter distributed by Commissioner Coleman. He agreed and the motion carried.

### Commission Priorities and Agenda for March Meeting

Commissioner Lytle reported that her committee would work on refinement of the recommendations which included contacting law enforcement agencies as well as public and private agencies for their suggestions and comments on the recommendations. After the recommendations are refined they will be sent to all committee members for approval and then be presented to the full commission at the March meeting before they are presented to the Attorney General.

Commissioner Herzfeld said the Education committee would meet before the March meeting and do some prioritizing and refinement of the initial set of recommendations discussed by the committee.

Commissioner Kassoy suggested follow-up with Dr. Burton, and suggested he be invited to the March meeting to report back on some of the questions that were raised during his presentation about implementing a statewide human relations program as part of the high school curriculum. Staff agreed to follow up with Dr. Burton and invite him to the March meeting.

MOTION: A motion was made by Dr. Russell and seconded by Commissioner Lytle that a letter be sent to the State Superintendent that the Commission supports the work of the Office of Intergroup Relations, and that it should be continued.

Commissioner Kassoy suggested that the letter identify those particular things the Commission is interested in, instead of talking about the work of the Intergroup Office. The Commissioners agreed, and the motion carried.

Tom Coleman reported on his trip to Bakersfield. He said there appears to be a pattern in Kern County of lenient sentencing of persons who commit violent crimes against gays. He said there is a lot of apathy and hopelessness in the gay community there. His recommendation to them was to form a coalition and try to get a hearing in the county but if they were not successful, then come back to RERMV Commission for them to look at the situation there.

Commissioner Lytle stated that she would like to ask that members of the Commission respond to the concerns expressed with regard to the human rights violations against the black population in South Africa. She said she had written a letter to the present chair of the Senate Foreign Relations Committee commending him for his public expression of concern. The Commission agreed to send a letter to the Chair of the U.S. Senate Foreign Relations Commission supporting his stand.

Commissioner Herzfeld informed the members that he expected to be arrested for civil disobedience for his protest against South African apartheid policies.

Msgr. Barry also noted that the Catholic Church has been cited for civil disobedience in the El Salvadoran refugee issue.



Marin Human Rights Research Center

Trish Donahue described briefly the activities of the Marin Human Rights Research Center. She said the Center was founded two years ago as a project of the Marin County Human Rights Commission to develop and assist in the adoption of human rights training materials and curricula for schools and law enforcement. She offered the assistance of the Center to work with the Commission in providing access to information and materials.

MOTION: Commissioner Lytle made a motion, seconded by Commissioner Yu, that the Commission commend the Marin County Human Rights Commission and the San Francisco Foundation and publicly acknowledge the work they are doing in the area of human rights. The motion carried.

Msgr. Barry adjourned the meeting at approximately 5:00 p.m.

# # # #

Attachment

ATTORNEY GENERAL'S  
COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE  
December 13, 1984  
San Diego, California

Attendance List

Louie Verdugo, Department of Justice, Los Angeles  
Ron Allen, Commission on Peace Officers Standards and Training  
Clara Harris, Director, Heartland Human Relations Commission  
Osias Goren, Commissioner, Fair Employment & Housing Commission  
Ollie Milligan, Affirmative Actions Officer, Department of Justice  
Melanie Anderson, Student Assistant, Department of Justice  
Tony Cimarusti, California Youth Authority, Sacramento  
Rito Rosa, California Youth Authority, Tustin  
Vermont, R. McKinney  
Avis R. Johnson  
Michael Fairley  
Wilma Kozie  
Leon Williams, Supervisor, San Diego County  
Bonny Yap  
Mark Conlan  
Joaquin Anguera  
Sid Brickman  
Neil Sandberg  
Makini Callahan, Black Federation  
Trish Donahue, Human Rights Resource Center, San Rafael  
Sandi Grout, Division of Law Enforcement, Department of Justice  
Marlene Amador, Division of Law Enforcement, Department of Justice  
Jacqueline Manning  
Sonia Kiman  
Reuben Burton, Department of Education, Office of Intergroup Relations  
Carol Schiller, Department of Fair Employment and Housing  
Bill Good with Supervisor Leon Williams Office  
Rick Moore

MM copy



# ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS, AND MINORITY VIOLENCE

John Van de Kamp  
Attorney General

## COMMISSIONERS

Msgr. William J. Barry, Chair  
Los Angeles

Joaquin Avila  
San Francisco

Irma Castro  
San Diego

Richard Chavez  
City of Commerce

Thomas F. Coleman  
Glendale

Vincent Harvier  
Sacramento

Rev. Will L. Herzfeld  
Oakland

David Kassoy  
Los Angeles

Janet Levy  
Sacramento

Judge Alice Lytle  
Sacramento

John Mack  
Los Angeles

Leticia Quezada  
Los Angeles

Judge Armando O. Rodriguez  
Fresno

Dr. Hazel Hawkins-Russell  
Riverside

John Saito  
Los Angeles

Diane Yu  
Oakland

~~~~~  
Marty Mercado  
Coordinator  
(916) 324-7859

November 30, 1984

TO: MEMBERS, RERMV COMMISSION

RE: DECEMBER 13 MEETING

Attached is the final agenda for the December 13 meeting. I am sorry the minutes were not completed in time to go with the letter last Wednesday, but here they are! If you have any corrections, please give me a call.

It appears that all of the members will be at the meeting except Irma Castro, Leticia Quezada, and John Mack.

*Beef Brochette*  
Luncheon has been scheduled in the hotel. The menu is ~~sirloin tip stroganoff~~ or fruit salad; the cost \$12.00 per person, which covers tax and tip and coffee break.

Please use the attached form to list those legislators you have close contact with, which the Legislative committee can use as a resource. Either mail to Diane Yu, or bring to the meeting.

Looking forward to seeing you at the meeting,

Sincerely,

*Marty Mercado*  
MARTY MERCADO  
Coordinator

Enclosures

cc: Osias Goren, Chairman - *OK*  
Fair Employment & Housing Commission  
Steve Owyang, FEHC - *OK*  
Marian Johnston  
Manny Medeiros  
Louis Verdugo

1515 K Street  
Suite 371  
Sacramento, CA  
95814

MEETING  
ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,  
RELIGIOUS, AND MINORITY VIOLENCE  
DECEMBER 13, 1984  
HOLIDAY INN, EMBARCADERO  
SAN DIEGO, CA

AGENDA

|           |                                                                                                                                                                           |                                                                                                                   |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 9:30 a.m. | Call to Order                                                                                                                                                             | Msgr. William Barry                                                                                               |
|           | Approval of Minutes                                                                                                                                                       |                                                                                                                   |
|           | Scheduling of Next Meeting <i>3/11/85 Monday</i>                                                                                                                          |                                                                                                                   |
| 9:45      | Presentation by L.A. County Human Relations Commission on their recent hearings                                                                                           | Gene Mornell,<br>Executive Director                                                                               |
| 10:05     | Presentation by Heartland Human Relations Commission (La Mesa)                                                                                                            | Clara Harris,<br>Executive Director                                                                               |
|           | Proposed Ordinance to Create a San Diego County Human Relations Commission                                                                                                | Supervisor Leon Williams<br>San Diego County Board<br>of Supervisors                                              |
| 10:30     | Role & Responsibility of Department of Fair Employment and Housing                                                                                                        | Carol Schiller,<br>Regional Administrator -<br>Southern District                                                  |
| 10:45     | Presentation on Hands-Across-Campus Program                                                                                                                               | Dr. Neil Sandberg<br>American Jewish Committee<br>Dr. Sydney Brickman<br>L.A. Deputy Superintendent<br>of schools |
| 11:15     | POST Commission Presentation on Community Relations Training for Peace Officers Standards and Training                                                                    | Ron Allen<br>Post Commission                                                                                      |
| 12:00     | LUNCH                                                                                                                                                                     |                                                                                                                   |
| 1:30      | Presentation by Department of Education Office of Intergroup Relations                                                                                                    | Department of Education<br>Representative                                                                         |
| 2:00      | SB 2080 - Implementation Plan                                                                                                                                             | Sandy Grout - Division of<br>Law Enforcement<br>Bureau of Criminal Statistics<br>and Special Services             |
| 2:15      | Adoption of Litigation Subcommittee Report                                                                                                                                | Judge Alice Lytle                                                                                                 |
| 2:30      | Commission Discussion of Priorities <ul style="list-style-type: none"><li>- Topics of Inquiry</li><li>- Agenda for Committees</li><li>- Agenda for next meeting</li></ul> |                                                                                                                   |
| 3:30      | BREAK                                                                                                                                                                     |                                                                                                                   |
| 3:45      | Public Comments                                                                                                                                                           |                                                                                                                   |
| 5:00      | Adjourn                                                                                                                                                                   |                                                                                                                   |



## National Gay Task Force

80 Fifth Avenue • New York, New York 10011 • (212) 741-5800

Washington Office: 2335 18th St., N.W. • Washington, D.C. 20009 • (202) 332-6483

### Board Officers

Larry Bagneris  
Frances Hanckel  
Barbara Lightner  
Paul Vandenberg

### Executive Director

Virginia M. Apuzzo

### Washington Representative

Jeffrey Levi

3 December 1984

Mr. Thomas F. Coleman

Center for Privacy Rights Education and Advocacy

P.O. Box 6383

Glendale, California 91205

Dear Tom,

As you know, the members of the U.S. Commission on Civil Rights will meet in January to consider a proposal to study anti-gay/lesbian violence, along with other types of bias crime. We are writing you to request that the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence write Clarence Pendleton, Chairman of U.S. Commission on Civil Rights, urging that the Commission include lesbian and gay people in its investigation of crimes motivated by bigotry. A letter in support of this effort from Attorney General Van de Kamp would be appreciated as well.

As you are aware, acts of violence against lesbians and gay men are widespread. An NGTF national study of the problem has revealed that more than one in five gay men and one in ten lesbians have been physically assaulted because of their sexual orientation. Almost half of those surveyed have been threatened with violence and more than 80% were verbally harassed--simply because they are lesbian or gay.

With the exception of the California Attorney General's Commission, agencies concerned with bias crime have failed to acknowledge the existence of anti-gay/lesbian violence, let alone study it. By making a strong statement to the U.S. Commission on Civil Rights, the Attorney General's Commission will help promote an adequate response to this problem.

We would ask that a letter from your Commission:

*action*

--acknowledge that acts of harassment, intimidation and violence against lesbians and gay men are widespread and are reprehensible;

--assert that anti-gay/lesbian violence is not qualitatively different from--and no less heinous than--crimes against members racial, ethnic and religious minorities and other groups;

Member: Leadership Conference on Civil Rights

*noting* [ --call on the U.S. Commission on Civil Rights and all agencies concerned with victims of bias crime to research, document, publicize and combat anti-gay/lesbian incidents.

We ask that copies of any letters to Mr. Pendleton be sent to Linda Chavez, Executive Director of the U.S. Commission on Civil Rights, and to NGTF.

With the help of the Attorney General Van de Kamp and the Commission on Racial, Ethnic, Religious and Minority Violence, we can end the silence that had led to neglect. Enclosed please find background information on anti-gay/lesbian violence; do not not hesitate to contact NGTF if you have any questions about it.

Many thanks for your consideration and assistance.

Sincerely,

*Kevin Berrill*

Kevin Berrill  
Violence Project Coordinator

encl.

# Deukmejian Signs Bills to Curb Uninsured Motorists, Gay Bashing

By ALAN ASHBY

SACRAMENTO — Measures aimed at removing uninsured motorists from California streets and giving gays new protection from violence won approval from Gov. George Deukmejian Wednesday.

Also signed was a package of 24 criminal justice bills headed by Sen. H.L. Richardson's "kiddy porn" measure, toughening sentences for persons who possess or traffic in pornography involving children.

Deukmejian also vetoed some 25 bills, including six labor-oriented bills by Assemblyman Dick Floyd, D-Hawthorne, as he stepped up the pace of moving bills off his desk. Aides said he has 400 measures left to sign or veto between now and Sunday, and expects to dispose of them at the rate of about 100 per day.

## Uninsured Motorist Bill

The uninsured motorist bill, AB 850 by Sen. Alan Robbins, D-Van Nuys, allows police officers to demand that drivers produce proof of financial responsibility whenever they stop a motorist for a traffic offense.

Failure to provide proof, unless proof is later provided to the court, can result in a fine of \$100 to \$250 and a driver's license suspension until proof of insurance is obtained.

The bill also requires the DMV to conduct a random audit of those drivers who provide insurance information to verify its accuracy. Any driver found to have provided false coverage information would face up to six months in jail and a fine.

The bill will take effect July 1, 1985.

The measure was strongly opposed by Assemblywoman Maxine Waters, D-Los Angeles, who contended that it was unduly harsh and would lead to harassment of motorists because police officers would manufacture excuses to make car stops.

## Gay Bashing Bill

The so-called gay bashing bill, AB 848 by Assemblyman Tom Bates, D-Oakland, adds sexual orientation, age, and disability to the protected categories of the Ralph Civil Rights Act, Civil Code Section 51.7.

The provision expressed the right of persons in the protected categories to be free from violence, and provides a statutory right to recover actual damages plus \$10,000 for punitive damages. The act also allows the attorney general or local prosecutors to bring a civil action for injunctive or other equitable relief against any persons or groups engaging in a pattern of denial of the rights of the protected individuals.

Bates moved his bill quietly through the Legislature in 1983 in the shadow of AB 1, a measure by San Francisco Assemblyman Art Agnos that would have outlawed employment discrimination against gays.

After Deukmejian vetoed AB 1, however, Bates put AB 848 on the shelf for several months to allow the issue to subside. He began moving it again as the session neared an end last August, and pushed it out of the Senate by a 21-14 vote Aug. 14. It cleared the Assembly 45-28 in June, 1983.

In signing the bill Deukmejian appended a statement in which he said he signed the measure because "I don't believe anyone should be singled out for violent attack for any reason."

He added that he intended to offer legislation in December that would extend the legal recourse of the Ralph Civil Rights Act to all persons.

Existing law protects persons or property because of race, color, religion, ancestry, national origin, political affiliation, sex, or position in a labor dispute.

## Other Bills

Other bills signed by Deukmejian included:

— SB 1766, by Sen. Robert Presley, D-Riverside. The measure raises the prison terms and fines for the commercial distribution of obscene material depicting minors in sexual conduct.

— SB 401, by Sen. Henry Mello, D-Watsonville. The measure expanded the definition of rape to include persons threatening to use the authority of a public official to accomplish the rape.

— SB 1578, by Sen. Barry Keene, D-Benicia. The bill allows courts to admit the hearsay testimony of a juvenile victim of sexual abuse for the limited purpose of proving that a crime was committed where the only other evidence is a defendant's confession.

— SB 1899, by Sen. Diane Watson, D-Los Angeles. The measure upgrades sentences and tightens child abuse laws in various ways, including allowing the use of leading questions for child abuse victims under 10.

— AB 1301, by Assemblyman Terry Goggin, D-San Bernardino. The measure requires trial judges to oversee the speedy certification of the trial record to the California Supreme Court of all convictions where a death penalty was imposed. It also requires all conversations involving the judge and counsel about the case be on the record.

THOMAS F. COLEMAN, ESQ.  
CENTER FOR PRIVACY RIGHTS  
EDUCATION AND ADVOCACY  
P. O. BOX 6383  
GLENDALE, CA 91205

## California needs stronger laws ag

By Thomas F. Coleman

**T**he Herald Examiner recently published an editorial (Aug. 30) on "gay bashing" which virtually asked Gov. Deukmejian to veto AB848. Having passed the Assembly and the Senate, that bill is currently on the governor's desk.

The Ralph Civil Rights Act was first enacted in 1976. It punishes bigots who manifest their prejudice in the form of violence — specifically, violence inflicted simply because of the victim's race, religion, color, national origin, ancestry, political affiliation, sex or position in a labor dispute. A mandatory \$10,000 fine is imposed under this law, over and above any other criminal or civil liability which might apply. The victim is authorized to collect the penalty in a civil lawsuit.

AB848 would amend the Ralph

Civil Rights Act so that violence committed against persons because of their age, disability or sexual orientation would be similarly punished. By passing AB848, the Legislature has sent a strong and clear message to would-be attackers of elderly, disabled and gay persons that such senseless acts of violence will not be tolerated.

The Herald Examiner could not have been more inaccurate when it called AB848 "redundant legislation." It should have considered the following points before criticizing the California Legislature for passing AB848 and inviting the governor to veto the bill.

The primary purpose of the Ralph Civil Rights Act is to punish violent behavior directed toward an individual simply because of his or her membership in a minority group. The fact that existing statutes already prohibit violence in general terms does not detract from the legislative duty to pass specific laws mandating penalties for "particularly odious" forms of violence.

The punishment specified by the Ralph Civil Rights Act is a manda-

tory \$10,000 fine. Existing law governing the imposition of punitive damages in a civil lawsuit is vague and discretionary. AB848 ensures the imposition of a mandatory minimum fine, without any ifs, ands or buts.

The victim is assured the aggressor will be punished for such vicious activity because the victim is authorized to collect the fine in a civil action, even though the police or prosecutor fail to successfully press criminal charges.

In some cases, the criminal law may not be used to punish acts of violence. For example, an assault conviction cannot be predicated upon an intent only to frighten. The Ralph Civil Rights Act fills a gap which exists in criminal law because it punishes an aggressor who threatens a victim with violence simply because of the victim's status. Obviously, in cases involving threats of violence, AB848 is far from being "redundant legislation."

The Ralph Civil Rights Act increases the likelihood of punishment by sidestepping various procedural obstacles inherent in criminal proceedings. Unlike a

Thomas F. Coleman, a Glendale attorney, is a member of the California Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence.



# Gay rights advocate questions sentence

By MICHAEL TRIHEY  
 Californian staff writer

John Oren Biggs has been sentenced to seven years, four months in prison for the beating death of Nurl Renfro, but that maximum term may allow for his release in just two years.

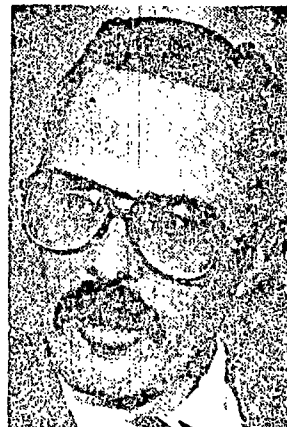
And the possibility of that relatively early release has prompted a member of an attorney general's civil rights commission to call for hearings in Bakersfield on the subject of violence against homosexuals in Kern County.

The Biggs case came to the attention of Glendale attorney Thomas Coleman, a member of the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, because Renfro was a homosexual and because Biggs' attorney won a reduction in charges based largely on the victim's lifestyle.

Coleman had said a month ago that he had begun inquiring into the types of verdicts returned in Kern County cases involving homosexuals. He said after the Biggs sentencing that because of what he has learned, he will ask the committee at its December meeting to



John Oren Biggs



Thomas Coleman

conduct hearings in Bakersfield sometime in the spring.

Deputy District Attorney T. Daniel Sparks brought the 19-year-old Biggs to trial charged with murder in the Dec. 19, 1982, slaying of the 50-year-old businessman.

But defense attorney Joseph Giuffre presented evidence of Renfro's lifestyle, arguing that Renfro was not only a homosexual, but was a "pervert"

10-11-84

Turn to BIGGS / A2

## BIGGS: 7-year term questioned

Continued from A1  
 whose 1707 Elm St. home was a "house of horrors" from which Biggs had to kill to escape.

The jury apparently accepted Giuffre's contention that Biggs' attack was prompted by Renfro's homosexual advances. Jurors voted to convict Biggs of voluntary manslaughter, the crime for which he was sentenced Wednesday by Superior Court Judge Lewis E. King.

"This crime is the cruelest and most vicious homicide in Kern County history," Sparks told King in arguing for the maximum term.

Biggs "is clearly a sociopath and by this homicide he has proven himself a homicidal sociopath," Sparks said.

"For the good of the community at large, and the memory of Nurl Renfro, impose the maximum sentence the law will allow," Sparks said.

But Giuffre argued that Biggs should be sentenced to a lower term and asked that Biggs be allowed to serve that term in the California Youth Authority rather than in state prison.

The crime wasn't really Biggs' fault, Giuffre argued. He said Renfro was "Such a perverted gay that he picks on little boys, children of age 18 ..."

"This little boy," Giuffre said of his client, "This little boy just lost his cool."

King, after outlining Biggs' criminal record that dates back to when he was 11, agreed with Sparks.

"Society's protection requires the maximum commitment," the judge said of the defendant in ordering a prison term that totals seven years, four months.

But with credit for time already served and time off for good behavior, Biggs might serve only about two more years.

Coleman, also a homosexual, said the sentence in the case may not be as significant as the verdict.

He recalled "about seven to eight homicides over the past three years" involving homosexual victims and said he wonders whether Kern County juries can return strict enough verdicts against people accused of killing gays.

He said he will ask other members of his committee to schedule fact-finding hearings on the issue, probably in March, in Bakersfield.

"The gay community here is numb. It's numbed that the system is unresponsive in protecting the civil rights of gay people.

"I haven't traveled to every county, but through the networking that exists, I would say that Bakersfield and Kern County may be the bleakest area for gay people in the state," Coleman said.

### BIGGS RECORD OF OFFENSES:

| AGE | CHARGE              |
|-----|---------------------|
| 11  | ASSAULT & BATTERY   |
| 12  | BURGLARY            |
| 13  | SHOOTING AT POLICE  |
| 15  | THREAT TO KILL BR.  |
| 15  | BURGLARY            |
| 15  | ROBBERY, CAMP OWENS |
| 15  | ASSAULT W/WEAPON    |
| 16  | EXTORTION           |
| 17  | ATTACK PRISONER     |
| 17  | ESCAPE, VANDELISM.  |
| 18  | VOL. MANSLAUGHTER   |

# The Bakersfield Californian

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75 CENTS

## Bar tackles gay rights, death penalty Kern treatment of gays checked

By MICHAEL TRIHEY

Californian staff writer

**MONTEREY** — A state civil rights commissioner will visit Bakersfield to investigate the possibility that homosexual victims of violent crimes are short-changed by Kern County's criminal justice system.

Glendale attorney Thomas Coleman, a member of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence and an acknowledged homosexual, emphasized he only is inquiring about the Kern County system, not making allegations.

Turn to GAYS / A2



John Van de Kamp  
...duty to uphold law

By MICHAEL TRIHEY

Californian staff writer

**MONTEREY** — Abolishing the state's never-used death penalty will be a goal of the California State Bar and — like it or not — the official stand of the 85,000 lawyers who must be members of the group to practice law in the

state.

The State Bar's Conference of Delegates, meeting in Monterey on Saturday as part of the bar's annual convention, approved a resolution stating the bar's support for legislative efforts to repeal capital punishment in California.

Turn to DEATH / A2

## GAYS: County system checked

Continued from A1

His inquiry is prompted in part by the manslaughter verdict returned two weeks ago in the case of John Oren Biggs, who had been accused of murder in the death of businessman Nurl Renfro, a homosexual.

Coleman became curious about the Kern County justice system after the 1982 verdict in which William Robert Tyack was convicted of only one count of involuntary manslaughter in the shooting deaths of two unarmed gays.

"One of the questions I have is, 'Is the system in Bakersfield capable of returning a murder verdict in a murder case when the victim is gay?'" Coleman asked.

Attorneys in both the Tyack and Biggs cases saved their clients from first-degree murder convictions by focusing courtroom defenses on the lifestyles of the victims.

Defense attorney Joseph Giuffre characterized Biggs' victim as "a pervert" who operated a homosexual "house of horrors."

Biggs was forced to kill to escape the home, Giuffre told the jury.

The gun-toting Tyack killed his two victims on a lonely mountain road near Glennville and then claimed at trial that he was afraid the two unarmed men were going to attack him.

Tyack's attorney, Timothy Lemucchi, argued to the jury that the victims had taken drugs that might have made them violently aggressive.

Defense witnesses said the type of drugs found in the dead men's blood streams during autopsies were popular in the Los Angeles gay community.

Tyack was acquitted in one killing and convicted only of involuntary manslaughter in the other.

He was sentenced to four years in prison.

"What is it?" Coleman asked. "Is it that the defense attorneys are just extremely skillful? Did the judge make bad rulings? Did the prosecutor not know how to try a case where there is a gay victim? Or is the jury prejudiced against homosexuals and therefore not going to be too harsh on the defendant when the victim is gay?"

"Or is it all the above? Or none of the above?" he asked.

"There is something amiss, I think," Coleman said.

He said he'll speak to attorneys in the near future about the two cases to see whether prejudice exists against gays in the Kern justice system.

"With respect to the larger question of violence against gay people in Bakersfield, I'll be contacting members of the gay community there, to learn their perceptions of what may or may not be a problem," Coleman said.

**Judge Cites Society's 'Prejudice, Ignorance, Intolerance'****Three Youths Sentenced in Homosexual Slaying**

BANGOR, Me. (P)—Three teen-age boys who killed a 23-year-old homosexual by throwing him off a downtown bridge were sentenced Friday to indeterminate terms at the Maine Youth Center.

James F. Baines, 15; Shawn I. Mabry, 16, and Daniel Ness, 17, were ordered confined to the South Portland institution until no later than February, 1988, when the oldest of the three turns 21. Judge David Cox specified no minimum term.

Baines, Mabry and Ness, who

had been charged with murder but pleaded guilty this week to manslaughter, had faced maximum sentences of confinement to the center until they each turned 21.

Cox, whose earlier denial of a state motion to try the teen-agers as adults kept the case within the juvenile court, said the attack on Charles O. Howard, who drowned July 7 in Kenduskeag Stream, reflected society's "prejudice, ignorance and intolerance."

At the time of their arrests, the youths told police that they threw

Howard off the State Street Bridge after recognizing him as a man who made a sexual advance to one of them a few weeks earlier.

The youths insisted that they only wanted to frighten Howard, not kill him, and were unaware that he did not know how to swim.

The killing galvanized Maine's gay community, sparking a series of demonstrations and bringing renewed calls for legislation that would outlaw discrimination against homosexuals.

## Los Angeles Times

**Youths Change Plea, Admit Slaying Gay**

BANGOR, Me. (UPI)—Three teen-agers pleaded guilty Monday to manslaughter in the drowning of a homosexual who was beaten and then hurled from a bridge in a slaying that outraged the state's gay population.

James Baines, 15; Shawn Mabry, 16, and Daniel Ness, 17, all of Bangor, pleaded guilty before District Judge David Cox.

All three had pleaded innocent to a charge of murder during a prior hearing, but they changed their pleas Monday to the lesser charge of manslaughter. Cox scheduled sentencing for Friday.

Under Maine's juvenile code, most criminal offenses are punishable by the same maximum sentence of incarceration at the Maine Youth Center until age 21.

Assistant Atty. Gen. Thomas Goodwin said there was no plea bargain involved in reducing the charge to manslaughter.

"What you're dealing with is really a state of mind, and we felt their state of mind, when they committed the action, was more nearly recklessness or criminal negligence rather than intent," Goodwin said.

The three pleaded guilty to the July 7 attack on Charles O. Howard, 23, who grew up in Portsmouth, N.H., and had recently moved to Bangor.

Howard, a flamboyant homosexual who sometimes wore makeup, was walking along the State Street Bridge when a car pulled up and three youths got out. The young men kicked and punched Howard, then tossed him off the bridge into a stream 20 feet below.

# School District Board Votes to Ban Spanking

City News Service

With one board member saying spanking in schools "does not work," the Los Angeles Unified School District has voted to ban corporal punishment.

The motion to abolish corporal punishment within the schools was authored by board members Rita Walters and Jackie Goldberg; it passed Monday at the district's board meeting with only one dissenting vote.

Board member Roberta Weintraub the only dissenter.

The resolution would have abolished all forms of corporal punishment with the Los Angeles Unified School District, repealing Board policies adopted in 1980 that permitted corporal punishment.

The motion read, in part, that "the Board

of Education . . . would remove and prohibit all forms of corporal punishment within the District."

Weintraub, defending her stand, said the United Teacher of Los Angeles specifically requested a clause in their contract in 1979 that permitted the administration of corporal punishment, and she would defend their right to have that option.

## UTLA Contract

Before the board voted on the measure, several speakers were heard, all of whom lent their support to passage of the motion.

Dr. H. Rogeson, representing the California State and Los Angeles County Psychological Associations, said both groups "urge (the) support of the current motion . . . as a humanitarian example to school districts in the rest of the country."

Board member Tom Bartman said after deep consideration of the subject, he decided corporal punishment was "not in the best interests of the children of this school district," adding, "It does not work."

Walters called Weintraub's opposition to the motion on the grounds that UTLA members had previously voted to keep corporal punishment a part of their contract was "appealing ignorance," and added, "When you have to resort to hitting a child, you have lost the argument."

In other matters before the board Monday, the district released figures that indicated enrollment district-wide was up by nearly 9,000 students in secondary and elementary schools.

This marked the fourth consecutive year of increased enrollment in the school district.

## Four Transients Ordered to Stand Trial On Charges in Suspected Anti-Gay Scheme

United Press International

A judge has ordered four members of a Hollywood street family to stand trial for killing three men in an alleged plot to eliminate Santa Monica Boulevard of male prostitutes.

The four defendants, all transients, were also ordered at the conclusion of a lengthy preliminary hearing before Municipal Court Judge Nancy Brown to stand trial on several robbery charges.

Brown ordered George Godfrey Jr., 42, and Robert Ormsbee, 20, to face trial on charges they murdered Andrew Foster between Feb. 26 and April 27, Carlos Pena between April 21 and May 21 and William Henning between March 16-19.

The two face a possible death penalty because of alleged special circumstances of multiple murders.

Thomas Canup, 23, also was ordered to trial on charges he murdered Foster, while Oleg Plinsky, 20, was ordered tried for the murder of Pena. No special circumstances were filed against them.

Godfrey, Ormsbee and Plinsky were held

in custody without bail, while Canup was held in lieu of \$100,000 bail. All four defendants face an Oct. 29 Superior Court arraignment.

Charges of murdering Foster were dismissed against a fifth defendant, Philip Dowell. A sixth defendant, Cheryl McPherson, 22, pleaded guilty to robbery and was scheduled for sentencing Oct. 29.

A police affidavit said Foster was killed after he became involved in a dispute with the defendants over money taken during a robbery at the Royal Viking Motel.

In the weeks after Foster's death, an informant told sheriff's deputies, Godfrey, Ormsbee and Canup "discussed how they were going to rid Santa Monica Boulevard of the male hookers by killing them one at a time," the affidavit claimed.

Two of the victims were reputed male prostitutes.

Henning's mutilated body was discovered by sheriff's deputies March 19, under a tree in the Angeles National Forest, while the bodies of Foster and Pena were found May 21 near a road May 21 south of Palmdale.

## City of Industry Founder Faces Taxpayers' Suit

City News Service

City of Industry founder James Marty Stafford, two city agencies and others responsible for the development of the Industry Hills Complex have been sued for \$4.5 million by taxpayers seeking to recover money spent fraudulently on the project.

The Industry Civic Planning Association and others filed the Los Angeles Superior Court civil suit late Friday, seeking reimbursement to the city of money spent in an alleged kickback conspiracy involving

Stafford and others.

On Oct. 2, Stafford pleaded guilty in U.S. District court on mail fraud and racketeering charges stemming from the kickbacks and bid-rigging.

The suit claims that the city agencies — the Industry Urban Development Agency and the Civic Recreational-Industrial Authority — breached their duties when they allegedly permitted contracts for the complex to be arranged by illegal, collusive and fraudulent bidding.

## Cover-Up Charged At MacLaren Hall

City News Service

A Los Angeles County commission called the director of MacLaren Hall a liar on Monday when he denied charges of neglect and understaffing at the El Monte juvenile detention center.

"I think you are lying to us," said Sandra Serrano Sewell of the Commission for Children's Service, who along with other members accused Mike Collins of a "cover-up."

Moments earlier, another commissioner and volunteer worker at MacLaren Hall, Stacey F. Winkler, said she has seen staff watching soap operas, diaper a baby in a kitchen towel, leave an 8- or 10-year-old child in a body cast unattended and only take infants out of their beds for about an hour a day.

The charges surfaced in connection with a letter from a commissioner, who visited the hall unannounced last Tuesday.

Commissioner Peter N. Hang, who did not attend Monday's meeting, wrote a letter to the commission chairwoman saying that he saw toddlers left in cribs with nets over them; infants with severe diaper rashes; young children sleeping in beds without guard rails; and one 14-year-old suffering from deep depression.

Hang, who is a doctor, also told a reporter that some children showed signs of dehydration and poor nutrition.

But Collins, who was named director of MacLaren Hall only last April, denied Hang's allegations.

"All I can say is its untrue," Collins said, adding that there are three staff members for every three toddlers-infants in the hall's nursery. "That's considered very rich staffing. I think we have enough staff on board."

MEETING  
ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC,  
RELIGIOUS, AND MINORITY VIOLENCE  
DECEMBER 13, 1984  
HOLIDAY INN, EMBARCADERO  
SAN DIEGO, CA

AGENDA

|           |                                                                                                                                                                           |                                                                                                                          |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| 9:30 a.m. | Call to Order                                                                                                                                                             | Msgr. William Barry                                                                                                      |
|           | Approval of Minutes                                                                                                                                                       |                                                                                                                          |
|           | Scheduling of Next Meeting                                                                                                                                                |                                                                                                                          |
| 9:45      | Presentation by L.A. County Human Relations Commission on their recent hearings                                                                                           | Gene Mornell,<br>Executive Director                                                                                      |
| 10:05     | Presentation by Heartland Human Relations Commission (La Mesa)                                                                                                            | Clara Harris,<br>Executive Director                                                                                      |
|           | Proposed Ordinance to Create a San Diego County Human Relations Commission                                                                                                | Supervisor Leon Williams<br>San Diego County Board<br>of Supervisors                                                     |
| 10:30     | Role & Responsibility of Department of Fair Employment and Housing                                                                                                        | Carol Schiller,<br>Regional Administrator -<br>Southern District                                                         |
| 10:45     | Presentation on Hands-Across-Campus Program                                                                                                                               | Dr. Neil Sandberg<br>American Jewish Committee<br>Dr. Sydney Brickman<br>L.A. Deputy Superintendent<br>of schools        |
| 11:15     | POST Commission Presentation on Community Relations Training for Peace Officers Standards and Training                                                                    | Ron Allen<br>Post Commission                                                                                             |
| 12:00     | LUNCH                                                                                                                                                                     |                                                                                                                          |
| 1:30      | Presentation by Department of Education Office of Intergroup Relations                                                                                                    | <i>OFFICE OF<br/>INTERGROUP<br/>RELATIONS</i><br>REUBEN BURTON -<br>Department of Education<br><del>Representative</del> |
| 2:00      | SB 2080 - Implementation Plan                                                                                                                                             | Sandy Grout - Division of<br>Law Enforcement<br>Bureau of Criminal Statistics<br>and Special Services                    |
| 2:15      | Adoption of Litigation Subcommittee Report                                                                                                                                | Judge Alice Lytle                                                                                                        |
| 2:30      | Commission Discussion of Priorities <ul style="list-style-type: none"><li>- Topics of Inquiry</li><li>- Agenda for Committees</li><li>- Agenda for next meeting</li></ul> |                                                                                                                          |
| 3:30      | BREAK                                                                                                                                                                     |                                                                                                                          |
| 3:45      | Public Comments                                                                                                                                                           |                                                                                                                          |
| 5:00      | Adjourn                                                                                                                                                                   |                                                                                                                          |

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



COMMISSION ON RACIAL, ETHNIC, RELIGIOUS  
AND MINORITY VIOLENCE

1515 K STREET, SUITE 511  
SACRAMENTO 95814  
(916) 324-7859  
Marty Mercado  
Coordinator

Monsignor William J. Barry, Chairman

October 30, 1984

(See Attached)

Dear Chairperson:

The Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence has scheduled its next meeting for Thursday, December 13, at the Holiday Inn-Embarcadero, in San Diego beginning at 9:30 a.m.

The Commission is interested in hearing from other agencies who might have knowledge of RERMV especially with respect to any studies conducted and the findings and recommendations.

If you would like to make a presentation to the RERMV Commission at this or at a future meeting, please let me know so that I may schedule time on the agenda. I may be reached at (916) 324-7859. The meeting is, of course, open to the public and we would welcome your participation and/or attendance.

Sincerely yours,

15/  
MARTY MERCADO, Chief  
Community and Consumer Affairs

MM:dah

cc: Monsignor William Barry

Burbank Human Relations Council  
P. O. Box 3333  
Burbank, CA 91504

of Los Angeles County  
Human Relations Commission  
1184 Hall of Records  
320 West Temple Street  
Los Angeles, CA 90012

City of Los Angeles  
Human Relations Commission  
200 North Spring Street  
Los Angeles, CA 90012

City of Oceanside  
Human Relations Commission  
City Hall  
323 North Nevada Street  
Oceanside, CA 92054

Orange County  
Director of Human Relations Commission  
1020 North Broadway, Suite 103  
Santa Ana, CA 92701

City of Pasadena  
Human Relations Commission  
100 North Garfield  
Pasadena, CA 91190

City of Palm Springs  
Human Relations Commission Coordinator  
P. O. Box 1192  
Palm Springs, CA 92262

Harbor Human Relations Commission  
P. O. Box 702  
Wilmington, CA 90744

of Heartland Human Relations Association  
P. O. Box 1062  
La Mesa, CA 92041



COMMISSION ON RACIAL, ETHNIC, RELIGIOUS  
AND MINORITY VIOLENCE

1515 K STREET, SUITE 511  
SACRAMENTO 95814  
(916) 445-9555

NOTICE OF MEETING

The third meeting of Attorney General John Van de Kamp's Commission on Racial, Ethnic, Religious and Minority Violence will be held Thursday, December 13, 1984, at the Holiday Inn - Embarcadero in San Diego.

The meeting will be called to order at 9:30 a.m. by Commission Chair, Msgr. William Barry and is scheduled to adjourn at 5:00 p.m. Among the activities scheduled for the December 13 meeting are:

- . A presentation by Gene Mornell, Executive Director of the Los Angeles County Human Relations Commission on their recent hearings on prejudice and discrimination in Los Angeles County.
- . A presentation on community relations training for enforcement officers provided by the Commission on Peace Officer Training and Standards.
- . A presentation by the Department of Education Office of Intergroup Relations on racially-motivated school violence.

The Commission will also hear about a proposal to create a Human Relations Commission in San Diego County.

For further information contact: Marty Mercado, Chief, Office of Community and Consumer Affairs, Office of the Attorney General, 1515 K Street, Sacramento. (916) 324-7859.



San Diego Union  
12-14-84

✓ *U&MV Comm*  
**Plans for new  
commission  
here aired**

**By Henry Fuentes**  
Staff Writer

A newly formed state commission studying crimes linked to prejudice against minorities yesterday heard plans for a San Diego County Human Relations Commission during a day-long hearing here.

The 7-month-old Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence, meeting at the Holiday Inn at the Embarcadero, received an oral report from County Supervisor Leon Williams on a proposed countywide human relations commission. The proposal will be presented to the county Board of Supervisors next month.

"He (Williams) pointed out that this is the largest metropolitan area in the state that doesn't have a human relations commission, and that it was about time," said Diane Yu, a member of the state commission and a director of the Asian American Bar Association in Oakland.

Although San Diego County once had a human relations commission, the group was disbanded following criticism that it was unresponsive to community concerns.

Williams, in soliciting support from the state commission, told state commission members that prior to the county's consideration of the matter, endorsements for the proposal were needed from private groups and at the grass-roots level.

The state Attorney General's Commission also heard a report from the Heartland Human Relations Commission (East County), which reported that it has accumulated reports on 24 incidents of racial or ethnic-motivated violence.

The Heartland Human Relations Commission, however, reported difficulty in obtaining cooperation from law enforcement authorities, partly because local officials are already overwhelmed by a general increase in crime and are reluctant to concede there is any racial or ethnic overtone in crimes, Yu said.

The commission also agreed to send a letter to Clarence Pendleton, chairman of the U.S. Commission on Civil Rights, requesting that the U.S. Commission at its January meeting consider a proposal to study anti-gay and anti-lesbian violence.

emotional distress, punitive damages and reasonable attorneys fees and costs. The complaint may ask that the suspect cease the activities considered to be ethnic intimidation. This civil complaint may be filed even though criminal prosecution has not occurred.

#### **WHAT OTHER REMEDIES ARE AVAILABLE?**

There are additional state and federal laws that may provide remedies in these cases. A victim should consult an attorney to review these rights and remedies. If a victim does not have an attorney, their county bar association may be helpful in providing one.

#### **WHERE CAN THE VICTIM GET OTHER HELP IN THE COMMUNITY?**

Some communities have formed a local network of neighbors to assist victims of ethnic intimidation. Human relations and human rights agencies or religious organizations are also helpful.

#### **IS THERE A STATEWIDE EFFORT TO COMBAT ETHNIC INTIMIDATION?**

In December 1971, the Governor, by Executive Order, created the Governor's Civil Tension Task Force. The original task force has been succeeded by an Inter-Agency Task Force on Civil Tension. State and Federal agency representatives meet monthly, jointly investigate and monitor community tension situations that might involve racial, religious or nationality conflict, implement inter-agency plans to deal with the causes of such tension, and assist local police and community agencies in dealing with these problems.

These agencies consist of the:

Pennsylvania Human Relations  
Commission  
Pennsylvania State Police  
Pennsylvania Office of Attorney General  
Pennsylvania Department of Community  
Affairs  
Governor's Council on the Hispanic  
Community  
Pennsylvania Department of Public  
Welfare  
Pennsylvania Department of Education  
Pennsylvania Chiefs of Police Association  
Community Relations Service, U.S.  
Department of Justice  
Anti-Defamation League of B'nai B'rith

To contact the Inter-Agency Task Force on  
Civil Tension, phone (717) 783-8886.

For further information about this law, phone  
the Office of Attorney General  
(717) 787-9716.

## **Ethnic Intimidation Is Illegal In Pennsylvania**



Prepared for the  
Inter-Agency Task Force  
on  
Civil Tension  
by  
Frank P. Tuplin  
Deputy Attorney General  
Public Protection Division  
Office of Attorney General

**LEROY S. ZIMMERMAN**  
Attorney General

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# **ETHNIC INTIMIDATION IS ILLEGAL IN PENNSYLVANIA**

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In June 1982, Governor Dick Thornburgh signed into law the Ethnic Intimidation and Institutional Vandalism Act.

Pennsylvania law now considers certain crimes to be more serious when motivated by hatred or malice toward the race, color, religion or national origin of another individual or group. The law provides a more severe punishment of fines and imprisonment if the offense can be proved to be based upon a motivation of hatred of the race, color, religion or national origin of the victim(s).

Crimes punishable by the more severe penalty include assault, aggravated assault, harassment by communication or address

(telephone), arson, criminal mischief, criminal trespass and other property destruction.

Vandalism causing damage or defacement to a church, synagogue, cemetery, mortuary, memorial to the dead, school, educational facility, community center, grounds surrounding such institutional facilities, or personal property located within, is an offense now punishable as a felony of the third degree if the repair, replacement or other costs exceed \$5,000.

Any person who is injured or whose property is damaged by such actions can sue for damages, including damages for emotional distress, punitive damages and reasonable attorneys fees and costs.

## ***WHAT SHOULD I DO IF I BECOME A VICTIM OF ETHNIC INTIMIDATION?***

Victims should immediately report any and all such activities or crimes to their local police department or the Pennsylvania State Police for investigation and possible prosecution under this statute.

## ***HOW SHOULD THE POLICE RESPOND?***

The initial response of the police to the incident is important in conveying the opposition of the police and local government officials to such illegal activities. Officers should respond with sensitivity to the victim's needs and be knowledgeable about the special provisions of this act. The police must respond promptly with a full professional investigation. The officers should document, photograph and remove all moveable evidence of the crime. The officers should question witnesses

and attempt to establish that the person responsible for committing the crime was motivated by hatred of the victim or institution because of race, color, religion or national origin.

## ***WHAT IF I CAN'T IDENTIFY WHO COMMITTED THE CRIME?***

Unfortunately, most incidents are committed around few witnesses or under cover of nightfall. Nevertheless, the victim should report the crime and whatever information is available. Police have the responsibility and the best resources for identifying the offenders.

## ***WHAT SHOULD I DO IF THE POLICE DO NOT PROSECUTE?***

If the person or persons who committed the crime can be identified, but the police do not institute a criminal prosecution, the victim may file a private criminal complaint with the local District Justice's office or the District Attorney's office to determine whether it will prosecute the case. If that office decides not to proceed, the victim has a right to appeal to the county's Court of Common Pleas. In Philadelphia, private criminal complaints should be filed directly with the District Attorney's office.

## ***WHAT IF I HAVE BEEN INJURED OR MY PROPERTY DAMAGED?***

Under this statute, the victim has the right to file a complaint against the suspect "for injunction, damages or other appropriate civil or equitable relief." This may include recovery for damages, including damages for

## **¿EXISTE UN ESFUERZO A TRAVES DEL ESTADO PARA COMBATIR LA INTIMIDACION ETNICA?**

En Diciembre del 1971, el Gobernador, mediante una Orden Ejecutiva, creó la Brigada Especial del Gobernador para Bregar con Tensión Civil. La brigada original ha sido sucedida por una Brigada Especial Inter-Agencial para Bregar con Tensión Civil. Representantes estatales y federales se reúnen mensualmente y juntos investigan y vigilan situaciones de tensión en la comunidad que puedan envolver conflicto racial, religioso o de nacionalidad, implementan planes inter-agenciales para bregar con las causas de esta tensión, y ayudan a la policía local y a agencias de la comunidad a bregar con estos problemas.

Estas agencias son:

La Comisión de Relaciones Humanas  
de Pennsylvania  
La Policía Estatal de Pennsylvania  
La Oficina del Fiscal General  
de Pennsylvania  
El Departamento de Asuntos de la  
Comunidad de Pennsylvania  
El Consejo del Gobernador en Pro  
de la Comunidad Hispana  
El Departamento de Bienestar Público  
El Departamento de Educación  
de Pennsylvania  
La Asociación de Jefes de Policía  
de Pennsylvania  
El Servicio de Relaciones de la Comunidad  
del Departamento de Justicia de  
los Estados Unidos  
La Liga Anti-difamación de B'nai B'rith

Para comunicarse con la Brigada Especial Inter-Agencial Para Bregar con Tensión Civil, llame al teléfono (717) 783-8886.

Para más información sobre esta ley, llame a la Oficina del Fiscal General (717) 787-9716.

Traducción e impresión cortesía del Consejo del Gobernador en Pro de la Comunidad Hispana y el Departamento de Asuntos de la Comunidad de Pennsylvania.

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## **LA INTIMIDACION ETNICA E ILEGAL EN PENNSYLVANIA**

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Preparado para la  
Brigada Especial Inter-Agencial Para Bregar con  
Tensión Civil  
Por  
Frank P. Tuplin  
Asistente del Fiscal General  
División de Protección Pública  
Oficina del Fiscal General  
LEROY S. ZIMMERMAN  
Fiscal General

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# LA INTIMIDACION ETNICA ES ILEGAL EN PENNSYLVANIA

En junio de 1982 el Gobernador Dick Thornburgh convirtió en ley el Acta de Intimidación Etnica y Vandalismo Institucional.

La ley de Pennsylvania considera ahora que ciertos crímenes han de considerarse mas graves si son motivados por odio o malicia contra la raza, el color, la religión ó origen nacional de un individuo o de un grupo. La ley provee un castigo mas severo de multas y encarcelamiento si se puede probar que la ofensa está basada en una motivación de odio de la raza, el color, la religión o el origen nacional de la(s) víctima(s).

Estos crímenes que son castigados por una penalidad mas severa incluyen el asalto, asalto agravado, hostigamiento mediante la comunicación o al dirigirse la palabra (teléfono), incendio provocado, daño criminal, traspaso criminal y cualquier otra destrucción de propiedad.

Vandalismo que cause daño o difamación a una iglesia, sinagoga, cementerio, funeraria, conmemoración a los muertos, escuela, facilidades educativas, centro comunal, alrededores de estas facilidades, o propiedad personal localizada dentro, es ahora una ofensa castigada como delito grave de tercer grado, si el costo de las reparaciones, reemplazo y otros gastos pasan de \$5,000.

Cualquier persona que sufra daños o cuya propiedad sea dañada por estos actos, podrá demandar por daños incluyendo daños por tensión emocional, daños punitivos y costos razonables de abogados.

## ¿QUE DEBO HACER SI SOY VICTIMA DE LA INTIMIDACION ETNICA?

Las víctimas deben de informar todas estas actividades o crímenes a su departamento de Policía local o a la Policía Estatal de Pennsylvania para que se haga una investigación y posible prosecución bajo este estatuto.

## ¿COMO DEBE DE RESPONDER LA POLICIA?

La forma en que la policía responda inicialmente al incidente es importante, ya que demostrará la oposición de la policía y oficiales del gobierno municipal a estas actividades ilegales. Los oficiales deben de responder con sensibilidad a las necesidades de las víctimas y con conocimiento de las provisiones especiales de este acto. La policía debe de responder rápidamente con una investigación completa y profesional. Los oficiales deben de documentar, fotografiar, y guardar toda aquella evidencia del caso que pueda ser movida. Los oficiales deben de interrogar testigos, y tratar de establecer que la persona responsable de cometer el crimen fue motivada por el odio a la víctima o institución por razón de raza, color, religión, ó origen nacional.

## ¿QUE PASA SI NO PUEDE IDENTIFICAR LA PERSONA QUE COMETIO CRIMEN?

Desafortunadamente, la mayoría de los incidentes son cometidos frente a pocos testigos o bajo el respaldo de la noche. Sin embargo, la víctima debe de informar el crimen y cualquier otra información que esté disponible. La Policía tiene la responsabilidad y los mejores recursos para identificar los ofensores.

## ¿QUE DEBO HACER SI LA POLICIA NO PROCESA?

Si la persona o personas que cometieron el crimen pueden ser identificadas, pero la policía no

procede, la víctima puede radicar una querrela criminal privada en la oficina local del Juez de Distrito, o en la oficina del Fiscal de Distrito para ver si pueden procesar su caso. Si esta oficina decide no procesar, la víctima tiene el derecho de apelar al Tribunal de Primera Instancia ("Court of Common Pleas"). En Philadelphia, las querrelas criminales deben de radicarse directamente en la oficina del Fiscal de Distrito.

## ¿QUE PASA SI LA VICTIMA TIENE LESIONES O LA PROPIEDAD HA SIDO DANADA?

Bajo este estatuto, la víctima tiene el derecho a entablar una querrela contra el sospechoso "por mandato ("injunction"), daños, o cualquier otro desempeño equitativo civil." Esto puede incluir la recuperación por daños, incluyendo daños por tensión emocional, daños punitivos y costos razonables de abogados. La querrela puede también pedir que el sospechoso cese en cometer las actividades consideradas como intimidación étnica. Esta querrela civil puede entablarse aún cuando la prosecución criminal no haya ocurrido.

## ¿QUE OTROS REMEDIOS ESTAN DISPONIBLES?

Hay otras leyes estatales y federales que pueden proveer remedios en estos casos. La víctima debe de consultar un abogado para revisar estos derechos y remedios. Si la víctima no tiene abogado, la Asociación de Abogados del Condado puede ayudarle a conseguir uno.

## ¿DONDE PUEDE LA VICTIMA RECIBIR OTRA AYUDA EN LA COMUNIDAD?

Algunas comunidades han formado alianzas de vecinos para ayudar a las víctimas de la intimidación étnica. Organizaciones de derechos y relaciones humanas y religiosas también pueden ser de ayuda.

MERCADO

COMPILATION OF RACIAL, ETHNIC, RELIGIOUS, AND MINORITY SUBCOMMITTEE  
RECOMMENDATIONS

Legislative Committee

Possible areas for future legislative proposals:

- training for law enforcement personnel
- "seed-money" funding for interpreters
- "hate-monger" recorded telephone messages

Establish a program to provide an Attorney General presence at the scene of a violent crime.

Action: -Diane Yu to draft letter to legislators and other interested groups regarding commission/subcommittee.

Education/Community Relations

Recommendations to Commission

- development of a Civil Rights Handbook
- include citations as footnotes

other

- development of a booklet on a lesser scale dealing with rights of people
- development of educational materials and programs that can be used by local groups for training programs
- continuing work with the press - possible news items
- work with Commission on POST to do a model training program on community relations for in-service training; development of educational materials and programs that can be used by local groups.
- work with educational and other institutions such as Youth Authority and Department of Education regarding education of youth in inter-group relations

Action: -subcommittee review recommendations made by Sacramento County Commission to determine which ones should be taken before the full commission for further discussion.

Action: -request each member compile a list of public rights organizations that we should notify of commission's existence and that each member take responsibility for a cover letter to send

## Litigation

- An administrative procedure should be created within the Attorney General's Office to provide for referral of matters coming to the office involving possible Ralph Act violations to the Civil Rights Division.
- At the same time these matters should be referred to BOCCI for possible inclusion into its statistical network. There should also be developed a "feedback" mechanism from BOCCI to the Civil Rights Division whenever the BOCCI notes circumstances indicating a pattern and practice of violence. Sources for "pattern and practice" information could be 1) complaints coming into the Attorney General's Office, 2) Department of Fair Employment and Housing and Fair Employment and Housing Commission files, 3) newspapers and TV news, 4) local law enforcement files; etc.;
- Screening procedures for the selection of Ralph Act cases should be developed for use at the initial intake stage and at the Civil Rights Division level;
- Intake personnel in Attorney General's Office should be trained in the use of appropriate criteria for use in screening cases;
- Referral policy should be utilized at level of Civil Rights Division of cases that are unsuitable for Attorney General's Ralph Act enforcement but have potential for Ralph Act or regular P. C. enforcement at the local level;
- The Attorney General should set up training in Ralph Act enforcement for local District Attorneys City Attorneys and law enforcement using P.O.S.T. and other mechanism. In this regard, the Attorney General should explore the possible use of the California Specialized Training Institute (CSTI) as an additional training vehicle for local law enforcement. Attached is a brochure detailing the CSTI program and curriculum.
- The Attorney General should take steps to heighten the sensitivity of local law enforcement to the importance of attaching more priority to Ralph Act type cases. One method of beginning this process would be through distribution of a letter expressing the Attorney General's new enforcement policy in this regard attached to a press release announcing the policy.
- The Attorney General should solicit the assistance of District Attorneys and City Attorneys early in the development of Ralph Act enforcement policy.
- The Attorney General should explore the feasibility of directly prosecuting under selected penal code provisions cases of racial violence unsuited for the Ralph Act or other civil enforcement. At later meetings of the subcommittee criteria will be refined for use in these types of enforcement actions.





SENATE BILL 2080:  
REPORTING OF RACIAL, ETHNIC,  
AND RELIGIOUS CRIMES

Implementation Plan

| <u>Major Milestones</u>                                             | <u>Completion Dates</u> |
|---------------------------------------------------------------------|-------------------------|
| 1. Develop guidelines and definitions for identification of crimes. | February 1, 1985        |
| 2. Develop pilot project design.                                    | March 15, 1985          |
| 3. Implement pilot project.                                         | May 1, 1985             |
| 4. Complete data collection.                                        | August 30, 1985         |
| 5. Compile and analyze pilot project findings.                      | November 15, 1985       |
| 6. Submit final report on findings to Legislature.                  | January 1, 1986         |

CALIFORNIA DEPARTMENT OF JUSTICE  
DIVISION OF LAW ENFORCEMENT  
CRIMINAL IDENTIFICATION AND INFORMATION BRANCH  
SPECIAL SERVICES BUREAU  
P.O. Box 13417  
Sacramento, CA 95813

December 1984

IMPLEMENTATION PLAN: REPORTING OF RACIAL, ETHNIC AND RELIGIOUS CRIMES (SB 2080)

INTRODUCTION

Senate Bill (SB) 2080 (Watson, Chapter 1482, Statutes of 1984), which becomes effective January 1, 1985, adds Chapter 8 (commencing with Section 13870) to Title 6 of Part 4 of the California Penal Code (PC). This new statute requires that the Attorney General commence a one-year project to develop a program model to collect, compile, and analyze information on racial, ethnic, and religious crimes, and submit a final report describing the project findings to the Legislature by January 1, 1986. The Legislature has appropriated \$75,000 from the General Fund to the Department of Justice for the purpose of this statute.

INTENT

The Legislative intent behind SB 2080 is to complete the preliminary steps necessary to establish a statewide center to (1) receive and evaluate information on racial, ethnic, and religious crimes, and (2) provide data on the geographic distribution of these crimes and trends over time.

SCOPE

SB 2080 requires that the one-year project include, but not be limited to:

- . Development of uniform guidelines for consistent identification of racial, ethnic, and religious crimes.
- . Recommendation of an appropriate means for statewide collection of data on such crimes.
- . Recommendation of an appropriate state agency to implement ongoing collection of this information.
- . Preparation of a final report to the Legislature describing the project findings.

SB 2080 further specifies that the crimes which are the focus of the project shall include a wide variety of incidents which reflect obvious racial, ethnic, and religious motivations, such as:

- . Vandalizing a place of worship.
- . Assaults between members of gangs.
- . School violence.
- . All other incidents which law enforcement identifies as having racial, ethnic or religious motivations.

The crimes shall not include incidents of discrimination in employment.

## RESPONSIBILITY

The responsibility for completion of the one-year project has been assigned to:

CALIFORNIA DEPARTMENT OF JUSTICE  
DIVISION OF LAW ENFORCEMENT  
CRIMINAL IDENTIFICATION AND INFORMATION BRANCH  
SPECIAL SERVICES BUREAU  
P.O. Box 13417  
(4949 Broadway)  
Sacramento, CA 95813

Project Manager - Sandi Grout  
(916) 739-5104

## METHODOLOGY

The pilot project will be conducted during Calendar Year 1985, with the final report to the Legislature on January 1, 1986. Project activities will be accomplished within three major phases:

### Phase I - Project Design

Project design will include: review of local, state, and national literature on racial, ethnic, and religious crimes; survey of major California law enforcement jurisdictions and other federal, state, and local agencies which have or may have existing procedures for collecting information on racial, ethnic, and religious crimes; development of uniform guidelines and definitions for identification of such crimes; development of a data collection vehicle and procedures; and, solicitation and approval of law enforcement agencies to participate in the pilot project.

### Phase II - Data Collection

Data collection from the pilot agencies will be accomplished over a four-month period. A DOJ staff member will be assigned to each of the agencies to coordinate training, data collection, and error resolution on-site whenever possible. Additional staff will be assigned to process incoming data and analyze information according to specific criteria developed during the Project Design phase. As a quality control measure, daily crime reports submitted to DOJ by the pilot agencies pursuant to Section 11107 PC will also be screened to ascertain if the crime comes within the definition of a racial, ethnic, or religious crime as developed in the Project Design phase.

### Phase III - Analysis and Documentation of Findings

Analysis will occur throughout the Data Collection phase and during compilation of the study findings. Analysis will be directed towards:

- . Modification and/or refinement of the guidelines and definitions for identifying racial, ethnic, and religious crimes.
- . Evaluation of the data collection vehicle(s) and procedures used in the pilot project.

- . Identification of appropriate state and/or local agencies for administering ongoing collection of information on racial, ethnic, and religious crimes.
- . Identification of state and local training required for implementation of ongoing data collection.

The project findings and recommendations for implementation of ongoing data collection and analysis will be presented in a report to the Legislature by January 1, 1986.

The following Schedule and Task Assignment shows specific activities during the one-year project.

# SCHEDULE AND TASK ASSIGNMENT

| RESPONSIBILITY CODES |                    |    |  |  |  |  |  |  |  |
|----------------------|--------------------|----|--|--|--|--|--|--|--|
| 1                    | Project Management | 6  |  |  |  |  |  |  |  |
| 2                    | Project Staff      | 7  |  |  |  |  |  |  |  |
| 3                    | DOJ Management     | 8  |  |  |  |  |  |  |  |
| 4                    |                    | 9  |  |  |  |  |  |  |  |
| 5                    |                    | 10 |  |  |  |  |  |  |  |

KEY:

● - Start

▶ - Complete

| TASK NO. | TASK/ACTIVITY DESCRIPTION                                      | RESPONSIBILITY          |   |   |   |   |   |   |   |   |    | 1985 |     |     |     |     |     |     |     |     |     |
|----------|----------------------------------------------------------------|-------------------------|---|---|---|---|---|---|---|---|----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|          |                                                                | * = PRIMARY X = SUPPORT |   |   |   |   |   |   |   |   |    | JAN  | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT |
|          |                                                                | 1                       | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |      |     |     |     |     |     |     |     |     |     |
| 1        | Hire staff for Phase I *                                       | *                       |   |   |   |   |   |   |   |   |    | ▶    |     |     |     |     |     |     |     |     |     |
| 2        | Review literature                                              | X                       | * |   |   |   |   |   |   |   |    | ●    | ▶   |     |     |     |     |     |     |     |     |
| 3        | Survey federal, state and local agencies with existing systems | X                       | * |   |   |   |   |   |   |   |    | ●    | ▶   |     |     |     |     |     |     |     |     |
| 4        | Develop definitions                                            | *                       | * |   |   |   |   |   |   |   |    | ●    | ▶   |     |     |     |     |     |     |     |     |
| 5        | Develop pilot project design and forms                         | *                       | * |   |   |   |   |   |   |   |    | ●    | ▶   |     |     |     |     |     |     |     |     |
| 6        | Approve project design                                         |                         |   | * |   |   |   |   |   |   |    |      |     | ▶   |     |     |     |     |     |     |     |
| 7        | Hire staff for Phase II *                                      | *                       |   |   |   |   |   |   |   |   |    |      |     | ▶   |     |     |     |     |     |     |     |
| 8        | Identify pilot agencies                                        | *                       | X |   |   |   |   |   |   |   |    |      |     | ●   | ▶   |     |     |     |     |     |     |
| 9        | Conduct pilot project                                          | X                       | * |   |   |   |   |   |   |   |    |      |     |     | ●   | ▶   |     |     |     |     |     |

## SCHEDULE AND TASK ASSIGNMENT

| RESPONSIBILITY CODES |                    |    |  |
|----------------------|--------------------|----|--|
| 1                    | Project Management | 6  |  |
| 2                    | Project Staff      | 7  |  |
| 3                    | DOJ Management     | 8  |  |
| 4                    |                    | 9  |  |
| 5                    |                    | 10 |  |

**KEY:**

● - Start

► - Complete

[illegible]

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE

ISSUE BRIEF: Implementation of SB 2080

ISSUE

BACKGROUND

RECOMMENDATION

Forward to: Department of Justice  
Bureau of Criminal Statistics and Special Services  
P.O. Box 13417  
Sacramento, CA 95813

Attention: Sandi Grout

ATTORNEY GENERAL'S COMMISSION ON RACIAL, ETHNIC, RELIGIOUS AND MINORITY VIOLENCE

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